

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims

1. (Currently Amended) A drag box for placing an asphalt mixture on a surface, said drag box comprising:
 - a device for distributing said asphalt mixture over said surface;
 - a shearing device for further distributing said asphalt mixture over said surface, wherein said distribution device and said shearing device form said drag box;
 - a proximity control device for directly raising and lowering said shearing device in response to elevational changes in said surface;
 - at least one signal generator associated with said proximity control device and adapted to produce a signal indicative of the elevation of said surface; and
 - at least one signal receiver associated with said proximity control device and said signal generator,
 - whereby said shearing device is raised or lowered substantially instantaneously as said surface elevation changes in response to signals emanating from said generator.
2. (Original) The drag box of claim 1, further comprising:
 - a prime mover for dispensing said asphalt mixture that is coupled with said drag box and pulls said drag box.
3. (Original) The drag box of claim 1, further comprising:
 - confinement ends coupled with said distribution device for containing said asphalt mixture within said apparatus.
4. (Original) The drag box of claim 3, wherein said confinement ends comprise skis.
5. (Original) The drag box of claim 1, wherein said apparatus includes a plurality of signal generators and a plurality of signal receivers associated therewith.
6. (Original) The drag box of claim 1, wherein said proximity control device comprises a cylinder for raising and lowering said shearing device.

7. (Original) The drag box of claim 1, wherein said signal generator is a sonar generator and said signal receiver is a sonar receiver.
8. (Currently Amended) The drag box of claim 20 4, wherein said auger is within 6 inches of said shearing device.
9. (Original) The drag box of claim 1, wherein said shearing device is a strike blade.
10. (Original) The drag box of claim 9, wherein said blade is concave with respect to the direction of travel of said drag box.
11. (Original) The drag box of claim 1, wherein said shearing device is able to be proportionally raised or lowered in response to elevational changes in said surface.
12. (Original) The drag box of claim apparatus of claim 5, wherein said plurality of signals received by said signal receivers are averaged.
13. (Original) The drag box of claim 3, wherein said signal generators are coupled with said confinement ends such that at least one generator is coupled with a first end and at least one generator is coupled with a second end.
14. (Original) The drag box of claim 1, wherein said receiver sends a signal to control the height and slope of said shearing device.
15. (Original) The drag box of claim 1, wherein said shearing device is able to be extended in a direction that is substantially perpendicular to the direction of travel of said apparatus.
16. (Original) The drag box of claim 1, wherein said drag box is able to distribute and shear asphalt mixtures that are about 3/8 of an inch to 4 inches in thickness.
17. (Original) The drag box of claim 16, wherein said drag box is able to distribute and shear asphalt mixtures that are about 1 to 4 inches thick.
18. (Original) The drag box of claim 1, wherein the distance between said shearing device and said auger is no more than about one inch.
19. (Original) The apparatus of claim 1, wherein said distribution device is a pugmill.

20. (Original) The apparatus of claim 1, wherein said distribution device comprises at least one auger.
21. (Original) The apparatus of claim 1, wherein said distribution device comprises two augers that rotate in opposite directions from one another.
22. (Currently Amended) A method of leveling a surface using a drag box comprised of a distribution device, a shearing device, and a proximity control device for directly raising and lowering said shearing device, said method comprising:
- pulling said drag box in a direction of travel;
 - applying an asphalt mixture to said surface while said drag box is moving;
 - adjusting the height of said shearing device directly so that it is raised and lowered substantially instantaneously as the elevation of said surface changes; and
 - leveling said asphalt mixture using said shearing device,
- wherein steps (a)-(d) are accomplished in a single pass.
23. (Original) The method of claim 22, wherein said drag box further comprises a signal generator and a signal receiver associated with said proximity control device, said method further comprising:
- measuring the elevation of said surface using a signal from said signal generator as said apparatus moves in said direction of travel; and
 - processing said signal using a signal receiver.
24. (Original) The method of claim 23, further comprising:
- measuring the altitude of said surface using a signal from said signal generator.
25. (Original) The method of claim 22, wherein said asphalt mixture is substantially diluent-free.
26. (Original) The method of claim 22, wherein said surface is dirt, gravel, asphalt, or combinations thereof.
27. (Original) The method of claim 22, further comprising:
- distributing said asphalt mixture with said distribution device.

28. (Original) The method of claim 22, wherein said distribution device comprises at least one auger.

29. (Original) The method of claim 22, further comprising:
stopping said drag box from moving in said direction of travel; and
moving said drag box in said direction of travel, wherein substantially planar movement of said shearing device is maintained during said stopping and moving steps.

30. (Original) The method of claim 29, further comprising:
manually controlling said shearing device while said drag box is stopped.